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09/757,903	01/10/2001	Luis M. Ortiz	K1033	8298

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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT

PAPER NUMBER

2131

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/757,903

Applicant(s)

ORTIZ, LUIS M.

Examiner

Kaveh Abrishamkar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-23, 25-34 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-23, 25-34, and 36-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed on June 6, 2005. Claims 1-44 were originally received for consideration. Per the received amendment, claims 1-4, 6-7, 15-, 22-23, 25-29, 31, 34, 37, and 43-44 are amended, and claims 13, 24, and 35 are cancelled. Claims 1-12, 14-23, 25-34, and 36-44 are currently being considered.

### ***Response to Arguments***

2. Applicant's arguments filed on June 6, 2005 have been fully considered but they are not persuasive because of the following reasons:

Regarding currently amended claim 1, the applicant argues that the CPA, Price-Francis (U.S. Patent No. 5,815,252), does not disclose "using a computer network to obtain a user profile from a server." This argument is not found persuasive. The CPA, in an embodiment of the invention, discloses "the storage medium, rather than be portable, can exist at a fixed location along with storage medium storing biometric data for a number of other persons" (column 7 lines 60-65). This fixed location (server) "can be built into a main computer system as a series of secured memory locations" (column 7 lines 63-67). This is interpreted as a local area network (LAN), which uses a number of servers with the database of users' biometrics stored. Therefore it is asserted that this

newly added limitation of “using a computer network to obtain a user profile from a server” is disclosed in the CPA. Furthermore, the applicant argues that the CPA does not teach “at least one biometric attribute randomly selected from a user profile containing the biometric attributes of the user.” The applicant specifically outlines the “randomly selected” and the “user profile containing biometric attributes” as limitations not disclosed by the CPA. This argument is not found persuasive. There is a user profile stored on either a portable card or a fixed server (Figure 3), wherein the user’s name, data of birth, is accompanied by the biometric information. Furthermore, the selection of the biometric attribute is randomly selected as disclosed in the passage, “the random nature of the requests for specific fingers on either or both hands further impedes criminal activity” (column 5 lines 36–40). Therefore it is asserted that the CPA does teach randomly selecting biometric attributes from a user profile. Furthermore, the applicant argues that the combination of the prior arts, Murakami (U.S. Patent No. 6,483,929) and Price-Francis does not teach all the limitations of claims 22 and 44, and specifically the limitation “using a computer network to obtain a user profile from a server.” However, based on the previous arguments above, it is asserted that Price-Francis does teach this limitation and that the combination of the prior arts does teach all the limitations of claims 22 and 44.

Therefore, the rejection is maintained and applied to the new limitations in the claims 1-12, 14-23, 25-34, and 36-44.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 21, and 23 – 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Price-Francis (U.S. Patent 5,815,252).

Regarding claim 1, Price-Francis discloses:

A method for biometrically securing access to an electronic system, said method comprising the steps of:

using a computer network to obtain a user profile from a server (column 7 lines 60-67);

prompting a user to input to a biometric user interface associated with said electronic system at least one biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 5 lines 47 – 58); and

permitting said user to perform a user-desired activity, if at least one biometric attribute input by said user to said biometric user interface associated with said electronic system matches said at least one biometric attribute randomly selected from said user profile (column 6 lines 40 – 58).

Regarding claim 23, Price-Francis discloses:

A system for biometrically securing access to an electronic system, said system comprising:

a server connected to a computer network, adapted to store at least one user profile and capable of allowing at least one biometric user interface associated with said electronic system also connected to said computer network to access said at least one user profile (column 7 lines 60-67);

a biometric user interface associated with said electronic system and connected to said computer network that accesses a user profile stored on said server that contains biometric attributes of said user and that prompts said user to input to said electronic system at least one biometric attribute randomly selected from said user profile; (column 5 lines 47 – 58); and

an electronic system for permitting said user to perform a user-desired activity, if at least one biometric attribute input by said user to said biometric user interface matches said at least one biometric attribute randomly selected from said user profile (column 6 lines 40 – 58).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said computer network is a secure computer network (column 7 lines 60-67).

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Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user profile is stored in a biometric broker (column 4 lines 50 – 67, column 7 lines 60-65).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the steps of:

obtaining at least one biometric attribute from said user for compilation in a user profile (column 4 lines 50 – 67);

compiling said user profile (column 4 lines 50 – 67); and

storing said user profile in said server accessible by at least one biometric user interface associated with said electronic system (column 4 lines 50 – 67).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the step of:

comparing at least one biometric attribute input by said user to said biometric user interface associated with said electronic system with said at least one biometric attribute randomly selected from said user profile (column 6 lines 30 – 60).

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Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises at least one wireless device that operates with a wireless network (column 7 lines 60 – 67).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises at least one computer workstation operable over an associated network (column 7 lines 60 – column 8 line 10).

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises an automated teller machine (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 11 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises a secure entry system to a secured environment (column 6 lines 40 – 58).



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Claim 12 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises a wireless network (column 7 lines 60 – 67).

Claim 14 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said electronic system comprises a wireless device (column 7 lines 60 – 67).

Claim 15 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the steps of:

identifying at least one defective biometric attribute associated with said user (column 6 line 10 – column 7 line 36); and

thereafter prompting a user to input to said biometric user interface associated with said electronic system at least one additional biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 6 line 40 – column 7 line 36).

Claim 16 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

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The method of claim 1 wherein said user-desired activity comprises a financial transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 17 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises an ATM transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 18 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises access to a secure area (column 6 lines 40 – 58).

Claim 19 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises access to data from said electronic system (column 6 lines 40 – 58).

Claim 20 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 wherein said user-desired activity comprises execution of a mechanical activity (column 6 lines 40 – 58).

Claim 21 is rejected as applied above in rejecting claim 1. Furthermore, Price-Francis discloses:

The method of claim 1 further comprising the step of:  
initiating access to said electronic system utilizing only one biometric attribute input to said electronic system (column 6 lines 40 – 58).

Claim 25 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user profile is accessible from a biometric broker over a secure network connection (column 4 lines 50 – 67).

Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein:  
at least one biometric attribute is obtained from said user for compilation in said user profile (column 4 lines 50 – 67).

Claim 27 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user is permitted to modify said user profile, in response to approval of a request by said user (column 4 lines 50 – 67).

Claim 28 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 further comprising: module for comparing at least one biometric attribute input by said user to said biometric user interface associated with said electronic system with said at least one biometric attribute randomly selected from said user profile (column 6 lines 31 – 60).

Claim 30 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises at least one wireless device that operates with a wireless network (column 7 lines 60 – 67).

Claim 31 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises at least one computer workstation accessible over said computer network (column line 60 – column 8 line 10, column 7 lines 60-65).

Claim 32 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

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The system of claim 23 wherein said electronic system comprises an automated teller machine (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 33 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises a secured entry system to a secured environment (column 6 lines 40 – 58).

Claim 34 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said computer network comprises a wireless network (column 7 lines 60 – 67).

Claim 36 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said electronic system comprises a wireless device (column 7 lines 60 – 67).

Claim 37 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 further comprising:

module for identifying at least one defective biometric attribute associated with said user (column 6 line 40 – column 7 line 36); and

wherein said user is thereafter prompted to input to said biometric user interface associated with said electronic system at least one additional biometric attribute randomly selected from a user profile containing biometric attributes of said user (column 6 line 40 – column 7 line 36).

Claim 38 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises a financial transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 39 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises access an ATM transaction (column 1 lines 33 – 55, column 7 lines 37 – 48).

Claim 40 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises access to a secure area (column 6 lines 40 – 58).

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Claim 41 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises access to data from said electronic system (column 6 lines 40 – 58).

Claim 42 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein said user-desired activity comprises execution of a mechanical activity (column 6 lines 40 – 58).

Claim 43 is rejected as applied above in rejecting claim 23. Furthermore, Price-Francis discloses:

The system of claim 23 wherein access to said electronic system is initiated utilizing only one biometric attribute input to said biometric user interface associated with said electronic system (column 6 lines 40 – 50).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Price-Francis discloses:

The method of claim 4 further comprising the step of: permitting said user to modify said user profile, in response to approval of a request by said user (column 4 lines 50 – 67).

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Claim 7 is rejected as applied above in rejecting claim 4. Furthermore, Price-Francis discloses:

The method of claim 6 further comprising the step of:  
subsequently prompting a user to input to said biometric user interface associated with said electronic system at least one additional biometric attribute randomly selected from said user profile, if at least one biometric attribute previously input by said user to said biometric user interface associated with said electronic system does not match said at least one biometric attribute previously randomly selected from said user profile (column 6 line 59 – column 7 line 36).

Claim 29 is rejected as applied above in rejecting claim 28. Furthermore, Price-Francis discloses:

The system of claim 28 further comprising: module for subsequently prompting a user to input to said biometric user interface associated with said electronic system at least one additional biometric attribute randomly selected from said user profile, if at least one biometric attribute previously input by said user to said biometric user interface associated with said electronic system does not match said at least one biometric attribute randomly previously selected from said user profile (column 6 line 59 – column 7 line 36).

***Claim Rejections - 35 USC § 103***



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price-Francis (U.S. Patent 5,815,252) in view of Murakami et al. (U.S. Patent 6,483,929).

Regarding claim 22, Price-Francis discloses:

A method for biometrically securing access to an electronic system, said method comprising the steps of:

using a computer network to obtain a user profile from a server (column 7 lines 60-67);

prompting a user to input to said biometric user interface associated with said electronic system at least two biometric attributes randomly selected from a user profile containing biometric attributes of said user (column 5 lines 27 – 59, column 6 line 31 - column 7 line 12).

Price-Francis does not explicitly mention permitting a user to perform a user-desired activity if the biometric attributes input by the user matches at least two biometric attributes randomly selected from the user profile. Murakami discloses a method that uses more than one biometric attribute for authentication (column 4 lines 23 – 33, column 11 lines 24 – 40). Murakami discloses that the use of multiple biometric

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attributes decreases the odds that an unauthorized individual will replicate the authorized person's biometric profile with the addition of each additional biometric attribute (column 4 lines 23 – 33). Price-Francis has a system, which has a plurality of biometric attributes stored and can successively repeat biometric data from a user based on a determination step (Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the determining step of Price-Francis to require more than one positive affirmation of biometric identity to increase security when desired as in the method used by Murakami. The requirement of more than one positive biometric affirmation adds another measure of security while reducing the electronic sophistication of the equipment (Murakami column 2 lines 23 – 36) and to reduce the likelihood that an unauthorized person will improperly be granted access (Murakami column 2 lines 37 – 47).

Regarding claim 44, Price-Francis discloses:

A system for biometrically security access to an electronic system, said system comprising:

a server connected to a computer network that is adapted to store at least one user profile and is capable of allowing at least one biometric user interface associated with said electronic system and connected to said computer network to access said at least one user profile (column 7 lines 60-67);

a biometric user interface associated with said electronic system and connected to said computer network that accesses a user profile stored on said server that contains biometric attributes of said user and that prompts said user to input to said biometric user interface at least two biometric attributes randomly selected from said user profile (column 5 lines 27 – 59, column 6 line 31 - column 7 line 12).

Price-Francis does not explicitly mention permitting a user to perform a user-desired activity if the biometric attributes input by the user matches at least two biometric attributes randomly selected from the user profile. Murakami discloses a method that uses more than one biometric attribute for authentication (column 4 lines 23 – 33, column 11 lines 24 – 40). Murakami discloses that the use of multiple biometric attributes decreases the odds that an unauthorized individual will replicate the authorized person's biometric profile with the addition of each additional biometric attribute (column 4 lines 23 – 33). Price-Francis has a system which has a plurality of biometric attributes stored and can successively repeat biometric data from a user based on a determination step (Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the determining step of Price-Francis to require more than one positive affirmation of biometric identity to increase security when desired as in the method used by Murakami. The requirement of more than one positive biometric affirmation adds another measure of security while reducing the electronic sophistication of the equipment (Murakami column 2 lines 23 – 36) and to reduce the likelihood that an

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unauthorized person will improperly be granted access (Murakami column 2 lines 37 – 47).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
08/10/2005

*all*  
*Primary Examiner*  
*AU 2131*  
*8/17/05*